

Serial No. 10/786,039
February 26, 2004
Reply to the Office Action Dated April 21, 2006

REMARKS

The Examiner rejected claim 22 under 35 U.S.C. 112 as being indefinite, on the grounds the term "said messaging application" lacked antecedent basis. Applicants have amended the claim to recite the term "a messaging application".

The Examiner rejected claims 1, 3, 6, 9, 10, 12, 19, 20, 23-35 under 35 U.S.C. 102(3) as being anticipated by US2004/0203644 to Anders et al. ("Anders".)

The Examiner rejected claims 2, 4, 11, 13, 14 and 21 under 35 U.S.C. 103(a) as being obvious citing Anders in view of Canon.

The Examiner rejected claim 22 under 35 U.S.C. 103(a) as being obvious citing Anders in view of official notice as to the state of the art as taken by the Examiner.

Anders discloses an "apparatus and methods for specifying a type of notification to be implemented on a personal communications device, such as a cellular phone, personal digital assistant (PDA) and the like, according to data input by a user and a user's location." (Page 1, Para. 0002, Anders). Notification can be provided in response to an incoming communication which can include "a voice call, an alphanumeric text message, a page or other type of wireless communication." (Page 1, Para. 0011, Anders) A notification can be a ring with an adjustment to volume, tone, or pattern, a vibration, a visual indication, or other stimulus. (Page 1, Para. 0011, Anders) Users input data as a schedule event, which is "typically entered into calendar function via a software program", and includes an event location and duration, among other possible information. (Page 2, Para. 0022, Anders)

"A notification profile 102 can be associated with a schedule event 101 and contain information relating to one or more user preferences regarding how to receive a notification 105 of an incoming communication 104 or an event alarm 106." (Page 2, Para. 0025, Anders) Information about an originating party (such as an originating phone number), or information regarding the type of location the communications device is determined to be at (such as a building type), can be used by the notification application to

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determine or modify a notification profile. (Page 2, Para. 0027; Page 4, Paras. 0048-0049; Figure 5, Anders) "Notification software can interact with proprietary calendaring and personal information management software to provide the additional inventive functionality, or be embodied in a stand alone software product." (Page 4, Para. 0053, Anders) Anders is primarily focused on location identification. In Anders, users may enter calendar events having locations and event types. The notification application uses the type of location of the event and the event type to determine a notification profile (Figure 4, Page 4, Paras. 48-50, Anders). *Anders relies on predefined fields under which types of calendar events can be specified.* (See Figure 5, Anders).

Further, Anders discloses the notification application using notification criteria relating to a calendar event type to determine a notification profile (i.e. the notification application knows that events of a "Meeting" type are to use a particular notification profile). (Figure 5, Page 4, Para. 50, Anders where the data structure and database corresponds to the notification application). This restricts the user's flexibility and ability to customize the operation of the Anders device according to the user's unique needs, desires and preferences. Anders further discloses the notification application using the event location type as a notification criterion to determine a notification profile (i.e. the notification application knows that events in an office building require a particular notification profile). (Page 4, Paras. 48-50, Anders) In Anders, the calendar application does not determine notification profiles, rather the notification profiles are determined by the notification application.

Anders does not disclose criteria in the calendar event in the calendar application being used to determine a notification profile in the notification application. Anders does not teach a means for allowing the user to define strings within calendar appointments which are specified as notification criteria, which in turn correlate to a notification profile. Anders does not disclose a calendar application that determines notification profiles.

Amended claims 1, 10 and 25 include these features in order to clearly distinguish over Anders. Amended claim 1 is reproduced below:

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1. An electronic device for receiving live communications comprising:

a microcomputer configured to execute an application for scheduling a calendar event; said calendar event having a notification profile associated therewith; said microcomputer further configured to process said notification profile to determine whether to accept a live communication during said scheduled calendar event; said microcomputer further arranged to execute a separate notification profile settings application to enable a user to associate with said calendar event a notification criterion; ***said notification criterion including a string of text that is established by a user***; said notification criterion indicative of said notification profile associated with said calendar event; said notification profile being defined within said separate notification profile settings application; ***such that said notification profile is selected by said microcomputer based on said string of text appearing in said calendar event.***

Support for these amendments can be found at least paragraph 106 of the present application. Applicants respectfully submit that ***at least*** the feature of ***a notification criterion including a string of text that is established by a user*** clearly distinguishes over Anders in that the event types in Anders are predefined. The usability and experience of the user is improved by offering the user the ability to customize certain strings that may appear in the text of the calendar event in order to associate a suitable notification profile for in incoming live communication therewith.

Applicants have amended independent claims 1, 10 and 25 to clearly distinguish over Anders, and it is thus respectfully submitted that objections to other claims citing Anders and other art are now moot.

In response to the Examiner's rejection of claim 5, Applicants respectfully disagree and herewith resubmits claim 5 as previously presented but recast claim 5 in independent form. Anders concerns notification profiles, Cannon concerns re-routing live communications and Deluca concerns live communications, and there lacks a motivation to combine all three of these references and the Examiner has not demonstrated such. In any event, the three cited references do not disclose all of the elements of claim 5. Deluca discloses storing voicemail on a wireless telephone by using a second receiver in the wireless telephone as a result of the first receiver having lost a voice communication. Such a second receiver uses a second wireless network and requires the network to select which receiver

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(and network protocol) to use to communicate with the wireless telephone. (Figure 1, Page 1, Para. 0006, Deluca) Deluca does not disclose a wireless telephone having only one receiver that receives and stores voicemail, a network that uses only one protocol for voice communication, and a continuous live communication. Deluca does not disclose the elements of claim 5. Further, Deluca discloses routing live communication to voicemail as a result of an inability to continue communicating over the regular network, such routed communication being stored on the wireless telephone. Deluca does not disclose, as currently claimed, routing, or selective storage on the wireless telephone, based on a notification profile, the source of the live communication, or the calendar event occurring at the time. Accordingly, allowance of claim 5 in its current form is respectfully requested.

CONCLUSION

Applicants believe that they have fully responded to the Examiner's concerns and that the claims are now in condition for immediate allowance. Applicants respectfully request reconsideration and allowance of the claims.

The Applicants hereby request that any fee which may be required for the papers being filed with this letter be charged to the Credit Card as shown in the Credit Card Payment Form. The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper or any overpayment credited to Deposit Account No. 50-3750.

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In the event that any PTO official wishes to discuss this application on the telephone, the call should be directed to the undersigned at 416-920-8170 x109.

Respectfully submitted,



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